



district manager for plaintiff. (McLaughlin Aff. ¶ 2). The instant motion seeks to strike portions of the affidavit on the grounds that they are either not based on personal knowledge or are inadmissible hearsay. In response to the motion, plaintiff filed a supplemental affidavit of McLaughlin that appears to address directly most of the concerns raised by defendant in its motion. (*See* McLaughlin Supp. Aff. (D.E. 30-1)). Plaintiff also filed the affidavit of another of its employees to provide further corroboration of portions of McLaughlin's affidavit. (*See* Crudup Aff. (D.E. 30-2)).

Contemporaneously herewith, the undersigned is entering a memorandum and recommendation on plaintiff's motion for summary judgment recommending that the motion be denied without prejudice to plaintiff's refiling it with further factual support. In light of this recommendation on plaintiff's motion for summary judgment, and the possibility that the supplemental affidavit of McLaughlin and the additional affidavit of Crudup may have addressed the objections raised by defendant in its motion to strike, defendant's motion to strike is DENIED WITHOUT PREJUDICE to defendant's refiling it, if appropriate, after disposition by the District Judge of the memorandum and recommendation on plaintiff's motion for summary judgment.

SO ORDERED, this 6th day of February 2013.



James E. Gates  
United States Magistrate Judge